

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
CHRISTINA R. CURCURU,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 03 12599 JLT
)	
MASSACHUSETTS BAY)	
TRANSPORTATION AUTHORITY)	
and AMTRAK,)	
)	
Defendants.)	
_____)	

**AFFIDAVIT OF CONFERRAL PURSUANT TO LOCAL RULE 7.1(A)(2)
CONCERNING DEFENDANTS' MOTION FOR AUTHORIZATION TO
CONDUCT ADDITIONAL DISCOVERY**

On February 23, 2006, after the deposition of Alan Gold held earlier that day, counsel for the defendant, National Railroad Passenger Corporation ("Amtrak") and the Massachusetts Bay Transportation Authority ("MBTA") conferred and agreed that additional discovery was necessary in light of the recent receipt of new documents and deposition testimony.

Later that same afternoon, counsel for Amtrak conferred by telephone with counsel for Plaintiff regarding continuing the deposition of the plaintiff Christina Curcuru ("Plaintiff"), and taking the deposition of her primary care physician, Amy Bonner Esdale, M.D. After some discussion, Plaintiff's counsel rejected allowing his client to be deposed. He was also disinclined to agree to further depositions sought to be taken by

the defendants but stated he would provide a definitive response on February 27, 2006. Plaintiff's counsel did not provide any further feedback on that date.

On March 1, 2006, counsel for Amtrak and Plaintiff conferred again. Plaintiff's counsel confirmed his opposition to the taking of the depositions of Plaintiff, Dr. Bonner Esdale, and Maryann Curcuru. No agreement could be reached on this issue despite good faith efforts by all parties.

Respectfully submitted,

DEFENDANT,
National Railroad Passenger Corporation
("Amtrak"),
by its attorneys,

DEFENDANT,
Massachusetts Bay Transportation Authority,
By its attorney,

s/Stephen E. Hughes
John A. Kiernan, BBO #271020
Stephen E. Hughes, BBO #629644
Bonner Kiernan Trebach & Crociata, LLP
One Liberty Square - 6th Floor
Boston, MA 02109
(617) 426-3900

s/Paul J. Sahovey
Paul J. Sahovey, BBO No. 271020
Massachusetts Bay Transportation Authority
Assistant General Counsel
Ten Park Plaza
Boston, MA 02116
(617) 222-3189

DATED: March 1, 2006

Certificate of Service

I, Stephen E. Hughes, hereby certify that I have on March 1, 2006, served a true copy of the foregoing document by sending it by first class mail, postage prepaid, to counsel of record for Plaintiff.

s/Stephen E. Hughes
Stephen E. Hughes